

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA

Plaintiff,

-vs-

Case No. 3:06-CR-179
District Judge Thomas M. Rose

MICHAEL DWAYNE WILLIAMS

Defendant.

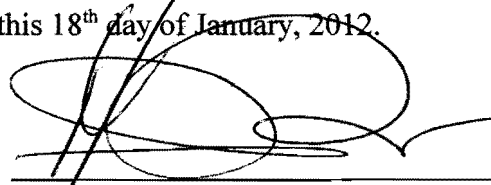
ORDER

This matter comes before the Court for consideration upon Defendant's correspondence (doc. 128) to the Court received on July 29, 2011, and subsequently filed on his behalf with the Court on October 7, 2011, as a Motion for Retroactive Application of Sentencing Guidelines to Crack Cocaine Offense 18 U.S.C. §3582. No memorandum in opposition has been filed.

Defendant requested assistance in reviewing his case as to his eligibility of a sentence reduction pursuant to the implementation of the recent guideline amendment to the Fair Sentencing Act. The Court having reviewed Defendant's correspondence, finds that Defendant's request for appointment of counsel is **MOOT**. The District Court appointed the Federal Public Defender's Office to represent the Defendant once he was identified as being potentially eligible for relief under the new guideline. Steve S. Nolder, Federal Public Defender, contacted the Defendant, on at least two (2) separate occasions, to review his case and discuss his eligibility.

Further, the Court having interpreted the Defendant's correspondence (doc.128) as a Motion for Retroactive Application of Sentencing Guidelines to Crack Cocaine Offense 18 U.S.C. §3582, finds Defendant's Motion to be not well taken and the Court **DENIES** the same. The Defendant fails to meet the eligibility requirements for application of the new Fair Sentencing Act guideline. Defendant's base offense level is not reduced by the application of the Fair Sentencing Act guideline. Defendant's base offense level at the time of sentencing was 32, under the guideline amendment his base offense level remains a 32. Accordingly, this Court finds that Defendant's previously imposed sentence of eighty (80) months is proper, reasonable, and appropriate.

DONE and ORDERED in Dayton, Ohio, this 18th day of January, 2012.



THOMAS M. ROSE JUDGE
UNITED STATES DISTRICT COURT